

# AGENDA



Thursday, November 29, 2007

## Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

Item No. 98

**Subject:** Conduct a public hearing and approve an ordinance amending Section 4.3.5 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use) to provide that Council may amend a neighborhood plan to authorize a vertical mixed use building when the Council makes a determination under the opt-in/opt-out process and to provide that the neighborhood plan amendment is not subject to the neighborhood plan amendment process; and to amend Section 25-2-32 to establish a zoning map code to reflect that a property has been granted all or some of the vertical mixed use incentives.

**For More Information:** George Adams, 974-2146; Tonya Swartzendruber, 974-3462; Sylvia Arzola, 974-6448.

**Boards and Commission Action:** (Recommended by Planning Commission).

**Prior Council Action:** 8/31/06 - The City Council adopted Subchapter E: Design Standards and Mixed Use.

5/17/07 - the City Council directed the City Manager to initiate an amendment to Subchapter E to provide that a neighborhood that files an opt-in/opt-out application in accordance with the provisions of Section 4.3.5 may file an amendment to the application on or before the 45th day after the original filing date established in Section 4.3.5; and to delete the 45 day reference to Council action of an opt-in/opt-out application.

11/1/07 - Council directed the City Manager to initiate an amendment to amend a neighborhood plan to permit a vertical mixed use building when it makes a determination under the opt-in/opt-out process; and to establish a map code that indicates that a vertical mixed use building is permitted on a property and that all or some of the vertical mixed use options apply.

The Neighborhood Planning and Zoning Department is requesting two amendments to Chapter 25-2, Subchapter E, Design Standards and Mixed Use. The Neighborhood Plan amendment will allow the City Council to consider neighborhood plan amendments at the same time that it considers the opt-in/opt-out recommendations. The Map Code amendment will add a new zoning map code of "V" to designate a vertical mixed use building. Below is a description and rationale for each amendment.

**Neighborhood Plan Amendment:** Under the opt-in/opt-out process established in Chapter 25-2, Subchapter E, Section 4.3.5 of the City Code, neighborhood planning teams and neighborhood associations made recommendations regarding the degree to which properties within their areas may take advantage of the dimensional standards, parking exemptions, and additional ground floor uses provided for in Subchapter E. The neighborhood planning teams and neighborhood associations also made recommendations regarding the affordability level that should apply in the areas. City Council will be considering these recommendations and making final determinations in upcoming zoning cases. The Charter requires that zoning actions be consistent with applicable neighborhood plans, which are adopted as an element of the comprehensive plan. In order to approve zoning that will authorize a vertical mixed use building, the Future Land Use Map (FLUM) in a neighborhood plan must reflect that mixed use

development is authorized. In some instances, the FLUM will have to be amended to authorize a vertical mixed use development as recommended by the neighborhood planning teams and neighborhood associations. Ordinance No. 030320-23, establishes the timing for neighborhood plan amendments. Under the ordinance, applications concerning an individual property may only be filed once a year and may only be filed during February or July, depending on the location of the property. This amendment will allow City Council to consider neighborhood plan amendments at the same time that it considers the opt-in/opt-out recommendations.

Map Code Amendment: The amendment proposes to add a new zoning map code "V" for vertical mixed use building. The "V" will be added to the zoning of each property to indicate that a property may develop a vertical mixed use building and has been granted all or some of the vertical mixed use incentives. Currently, the City Council determinations regarding the incentives is reflected as a conditional overlay combining district. The use of the "V" designation will better alert interested persons that a particular property has been authorized to develop as a vertical mixed use building and has been granted some or all of the vertical mixed use incentives. The staff recommends approval of the proposed amendments.